

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN FRANKE, BARB FRANKE,

Plaintiffs,

vs.

WILBUR-ELLIS COMPANY, WILBUR-
ELLIS AIR, LLC,

Defendants.

8:15CV0072

**AMENDED FINAL PROGRESSION
ORDER**

The parties' amended joint motion to amend the Final Progression Order, (Filing No. 24), is granted and the parties' joint Motion to Extend the Final Progression Order, (Filing No. 23), is denied as moot.

IT IS ORDERED that the final progression order in this case is amended as follows:

- 1) The jury trial of this case is set to commence before John M. Gerrard, United States District Judge, in the Special Proceedings Courtroom, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at 9:00 a.m. on May 2, 2016, or as soon thereafter as the case may be called, for a duration of five (5) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on April 19, 2016 at **11:00 a.m.**, and will be conducted by WebEx conferencing. To facilitate this conferencing method, the parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to zwart@ned.uscourts.gov, in either Word Perfect or Word format, by 5:00 p.m. on April 18, 2016. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx.
- 3) A telephonic conference with the undersigned magistrate judge will be held on January 5, 2016 at **3:30 p.m.** to discuss the status of case progression and potential settlement. Counsel for plaintiff shall place the call.
- 4) The deadline for completing written discovery under Rules 33 through 36 of

the Federal Rules of Civil Procedure is November 2, 2015. Motions to compel Rule 33 through 36 discovery must be filed by October 19, 2015 **Note:** Motions to compel shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 5) The deadlines for complete expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	November 30, 2015.
For the defendant(s):	December 31, 2015.

- 6) The deposition deadline is February 1, 2016.
- 7) The deadline for filing motions to dismiss and motions for summary judgment is January 15, 2016. ¹
- 8) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is February 1, 2016.
- 9) Motions in limine shall be filed five business days prior to trial. It is not the normal practice to hold hearings on motions in limine or to rule on them in advance. Counsel should plan accordingly.

Dated this 16th day of July, 2015

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge

¹ To facilitate the court's review, the parties are strongly encouraged to include hyperlinks to the evidence, CM/ECF record, and all legal authorities cited within their briefs filed in support of, or in opposition to, any motions filed. See NECivR [7.1](#). For instructions, see "Hyperlinking Information" at <http://www.ned.uscourts.gov/attorney/electronic-case-filing>.